R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claim 1 has been amended to clarify that the arrangement of the weight coefficient is an arrangement of weight coefficients in correspondence with pixel positions in the input image, as shown in each of Figs. 6A to 6F, for example.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered under 37 CFR 1.116.

THE PRIOR ART REJECTION

Claims 1, 2 and 5 were rejected under 35 USC 103 as being obvious in view of the combination of USP 5,715,377 ("Fukushima et al") and US 2002/0025079 ("Kuwata et al"), and claim 3 was rejected under 35 USC 103 as being obvious in view of the combination of Fukushima et al, Kuwata et al, US 2004/0032524 ("Silverbrook") and USP 4,969,045 ("Haruki et al"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

On page 4 of the Office Action, the Examiner acknowledges that Fukushima et al does not disclose: selection means for

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selecting an arrangement of a weight coefficient based on the
photographing condition; or histogram related to the
characteristic amount based on the arrangement of the weight
coefficient; or gradation conversion curve calculation means for
calculating a gradation conversion curve based on the histogram.
For this reason, the Examiner has cited Kuwata et al to supply
the missing teachings of Fukushima et al.

It is respectfully submitted, however, that Kuwata et al
does not disclose, teach or suggest, in particular, selection
means for selecting an arrangement of weight coefficients in
correspondence with pixel positions in the input image, based on
the photographing condition, and histogram generation means for
generating a weighting histogram related to the characteristic
amount based on the arrangement of the weight coefficients in
correspondence with the pixel positions in the input image, as
recited in amended independent claim 1.

That is, as recognized by the Examiner, Kuwata et al
discloses selecting a single coefficient k (see steps Sd190 and
S196 in Fig. 45, cited by the Examiner). However, according to
Kuwata et al, the single coefficient k is used to obtain a
histogram of luminance distribution (paragraph [0351] and step
SD310) as the summation result Dist_Sum of the weighted addition
(using the coefficient k) of the histogram Dist_avg of the
uniform sampling and the histogram Dist_edge of the edge

sampling. See, for example, formula (68) in paragraph [0344] of
Kuwata et al.

    Thus, for the coefficient k disclosed by Kuwata et al, the
pixel positions (two-dimensional arrangement) are not been taken
into account.

    By contrast, according to the present invention as recited
in amended independent claim 1, the selection means selects an
arrangement of weight coefficients in correspondence with pixel
positions in the input image, based on the photographing
condition, and the histogram generation means generates a
weighting histogram related to the characteristic amount based on
the arrangement of the weight coefficients in correspondence with
the pixel positions in the input image. Thus, the "arrangement"
is a two-dimensional arrangement of weight coefficients in
correspondence with pixel positions. See each of Figs. 6A to 6F
(each showing an "arrangement") of the present application.

    It is respectfully submitted that Kuwata et al clearly does
not at all disclose, teach or suggest selecting an arrangement of
weight coefficients in correspondence with pixel positions, or
generating a histogram based on the arrangement of weight
coefficients in correspondence with pixel positions.

    Accordingly, it is respectfully submitted that even if
Kuwata et al were combinable with Fukushima et al in the manner
suggested by the Examiner, the structure of the present invention

as recited in amended independent claim 1 still would not be
achieved or rendered obvious.

Silverbrook and Haruki et al, moreover, have merely been
cited with respect to dependent claim 3.

In view of the foregoing, it is respectfully submitted that
amended independent claim 1 and claims 2, 3 and 5 depending
therefrom clearly patentably distinguish over the Fukushima et
al, Kuwata et al, Silverbrook, and Haruki et al, taken in any
combination under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the
passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or
recommendations, the Examiner is invited to telephone the
undersigned for prompt action.

                    Respectfully submitted,

                    /Douglas Holtz/

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